

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

UNITED STATES OF AMERICA

v.

RODNEY THOMAS

Criminal No. 23-160

UNITED STATES' SENTENCING MEMORANDUM

AND NOW comes the United States of America by Eric G. Olshan, United States Attorney for the Western District of Pennsylvania, and Gregory C. Melucci, Assistant U.S. Attorney for said district, and files the following United States Sentencing Memorandum:

FACTUAL AND PROCEDURAL HISTORY

The On May 12, 2023, local law enforcement received information that a suspected bald eagle was found dead near in a field in Mt. Pleasant Township, PA. A witness stated they observed the eagle “drop from the sky.” The witness said he observed a white SUV with tinted windows near where the eagle dropped. Law enforcement recovered the bald eagle. It was later determined that via radiograph that a .30 caliber metal pellet was lodged in the eagle and later removed. Later, the defendant came forward and identified himself as the shooter and wanted to speak with law enforcement. Thomas admitted to shooting the bird, which he originally thought was a “turkey vulture” instead. Later, the bald eagle was transported to the National Fish and Wildlife Forensic Services Lab for necropsy. Subsequently, a forensic report from the Department of Interior confirmed the bird as a bald eagle, killed by a .30 caliber pellet.

A SUFFICIENT SENTENCE

Bald Eagle Facts

In Pennsylvania, the bald eagle is protected under the Game and Wildlife Code. Although no longer listed as endangered or threatened, the bald eagle is protected by the Bald and Golden Eagle Protection Act and the Migratory Bird Protection Treaty Act.

The recovery of the bald eagle (*Haliaeetus leucocephalus*) has been one of the great wildlife conservation stories in the history of both the state and the nation. Pennsylvania's nesting bald eagle population has increased steadily and dramatically in recent years. As recently as 1980, the state's known nesting population numbered only three pairs. In 1990, there were eight active nests, 48 in 2000, and by 2006 the number cleared 100 for the first time since DDT decimated Pennsylvania's nesting bald eagle population in the 1950s and '60s. The increases continued into 2008 when the state's nesting eagles numbered more than 150 pairs, more than 200 pairs in 2011, and more than 270 pairs in 2013. The exponential increase in Pennsylvania's nesting bald eagle population is part of a regional increase and similar increases are taking place in Chesapeake Bay and New York populations.

Bald eagles are among the largest birds of prey. They may weigh up to 14 pounds and have seven-foot wingspans. Like most raptors, female bald eagles are larger than males. Bald eagles are most readily identified by their white heads and tails, however, they don't attain this characteristic plumage until five years of age..

Bald eagles are widely distributed in North America, especially where there is expansive aquatic habitat. Bald eagles thrive around bodies of water where adequate food exists and human disturbance is limited. They need a large tree or other supporting structure for their large, heavy stick nests. Bald eagles tend to select quality riparian forest and wetlands for their nesting

habitat. As such, it can be considered an indicator species for this habitat and an "umbrella species" for protecting the valuable riverside forests and wetlands of the state, because they get more public recognition and support for conservation than many of the other inhabitants of these habitats.

Like other raptors, bald eagles were persecuted by shooting and trapping from to colonization of the state through the early twentieth century, reducing their numbers greatly and their range to the wildest parts of the state. Direct persecution of eagles has been a serious limiting factor for this species in Pennsylvania up until the early 1940s, when they were federally protected. Despite its status as a national symbol, the bald eagle has been one of most persecuted birds in the county.¹

America's Bird

The idea for using the bald eagle to "symbolize America" was proposed in 1782, when a drawing of the eagle was presented to the newly-formed Congress, according the U.S. National Archives. It was immediately accepted, and soon an olive branch and arrows (representing peace and war, respectively) were included in the eagle's talons.

The bald eagle was officially adopted as the emblem of the United States five years later, in 1787. Much later, former President John F. Kennedy revealed his appreciation for America's symbol when he wrote to Charles Callison of the National Audubon Society on July 18, 1961: "The founding fathers made an appropriate choice when they selected the bald eagle as the

¹ **Sources:**

Pennsylvania Game Commission "Bald Eagle Species Profile."

Bildstein, K. 2008. A brief history of raptor conservation in North America. Pages 5-36, In State of North America's Birds of Prey, Series in Ornithology No. 3 (K. L. Bildstein, J. P. Smith, E. R. Inzunza, and R. R. Veit, editors). Nuttall Ornithological Club, and the American Ornithologists' Union, Printed by Cadmus Communications, Lancaster, PA.

"emblem of the nation" fierce beauty and "proud independence" of this great bird aptly symbolizes the strength and freedom of America.”

A Sufficient Sentence

The defendant has admitted his culpability and readiness to accept a plea to the Indictment. The parties have filed a Joint Stipulation of Facts (ECF No. 34) which proposes an estimated guideline range, restitution to the United States for the bald eagle, and forfeiture of the pellet rifle. The implementation of the sentence is left to the discretion of the Court, but the United States’ is not seeking a sentence of incarceration. Nevertheless, the bald eagle was a fixture in Mt. Pleasant Township, and its loss has left an emotional scar upon its residents. At the hearing, some residents may choose to testify about their appreciation of the eagle.

Wherefore, the United States’ respectfully requests that this Court sentence the defendant consistence with the terms of the Proposed Stipulation.

Respectfully submitted,

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United States Attorney

s/ Gregory C. Melucci

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